

REMARKS

After entry of this Response, claims 1-10 and 63-67 are pending in the application. Previously, claims 11-31, 42-53, 56-58, 61 and 62 were cancelled, and claims 32-41, 54, 55, 59 and 60 were withdrawn from consideration. Claims 1-10 and 63-67 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Ayres. With this Response, Applicant has not amended any of the claims.

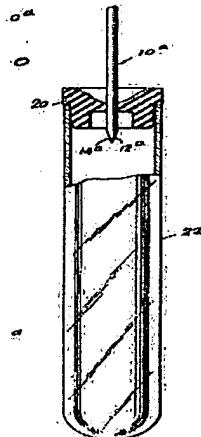
Rejection under 35 U.S.C. § 102(b)

Claims 1-10 and 63-67 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Ayres. Applicant respectfully traverses this rejection. Applicant's independent claims 1, 3 and 63 each require a lancet holder arranged and configured to hold the lancet and move the lancet to penetrate the skin of a patient.

The Examiner contends that the Vacutainer tube is held and moved by a healthcare provider or a user to penetrate a patient skin to withdraw blood sample, referring to the Background of the Invention. (Page 3 of Office Action). However, there is no discussion of the needle in Ayres penetrating a patient. The Background of the Invention states that the needle point penetrates the rubber stopper. The needle occasionally embeds in the sidewall of the stopper instead of the well of the tube, "whereupon no blood can enter the Vacutainer tube and the device is a failure." (Col. 1, lines 9-14). Figure 5 clearly shows the needle tips inside the Vacutainer.

Moreover, the Examiner contends that the recited holder is equivalent to the Vacutainer discussed in Ayres. If the Vacutainer is a holder arranged and configured to hold the lancet and move the lancet to penetrate the skin of a patient, then the tip is in the wrong place and should be at the other end of the needle in Figure 5, shown below.

Ex-5



Applicant submits that the Ayres reference fails to teach a lancet device with a lancet holder arranged and configured to hold the lancet and move the lancet to penetrate the skin of a patient. Because the Ayres reference does not teach or suggest all of the limitations of independent claims 1, 3, and 63, these claims are not anticipated by Ayres. Applicant respectfully submits that claims 1, 3, and 63 are in condition for allowance.

Claims 2, 4-10 and 64-67 depend from one of independent claims 1, 3 and 63 to contain all of the limitations therein. Because of this dependency, Applicant respectfully submits that the Ayres reference does not teach or suggest all of the limitations of dependent claims 2, 4-10 and 64-67, these claims are not anticipated by Ayres. Applicant respectfully submits that claims 2, 4-10 and 64-67 are in condition for allowance.

Conclusion

It is respectfully submitted that this Response traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Response has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Response does not add any new subject matter to the application. Reconsideration of the application is requested.

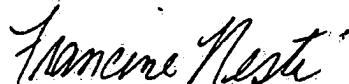
If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the

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Applicant's attorney at the telephone number listed below.

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